

REMARKS/ARGUMENTS

In response to the request for an election of claims, applicants elect Group IV original composition claims 23-26 and now including claims 23-29. Sequence ID. No. 13 (J) is further elected as a species of group IV.

The newly added claims 27-29 are properly dependent from claim 23 and are therefore properly included in Group IV.

Applicants intend this response to be fully responsive to the outstanding Office Action; however, the bolded language on page 9 of the Action is not clear. The examiner appears to be dividing the claims both according to Groups (I-IV) and according to species (A-L).

Applicants are familiar with restrictions between unrelated proteins and nucleic acids; but, remind the Examiner that the MPEP permits some discretion on the part of the Examiner to include additional sequences when they have some structural relationship to each other where it makes sense to keep the claims in a single patent. That is the case here.

Moreover there is little additional burden on the Examiner as the sequences are structurally related to each other.

The CXCR4 agonists of the pending claims have generic linking features of two defined terminal sequences linked through a spacer sequence. Unless informed otherwise, applicants are expecting the Examiner to examine both generic claim 23 and claim 28 reciting specific sequences in accordance with 37 CFR §1.141. If the Examiner does not intend to examine claim 23 and new claim 28 together, applicants would appreciate clarification as to the reasoning and formally traverse the restriction requirement so as to preserve the right to continue to argue that these claims should be kept together as a single invention.

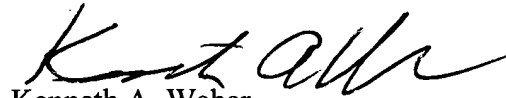
Atty. Docket No. 080421-000100US
Appl. No. 10/086,177
Amdt. dated October 20, 2004
Reply to Office Action of Sept. 20, 2004

PATENT

Newly added claims 27-29 do not add new matter. Claim 27 recites CXCR4 agonists that have carboxy termini that are acids or amides. Support for such modifications are found on page 27 at lines 24-31 where amides and non-natural amino acids are described. Claims 28 and 29 merely recite sequences that were originally in the specification. These sequences are species of the genus recited in claim 23.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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